

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

OCT 10 2018  
JULIA C. DUDLEY, CLERK  
BY:  
DEPUTY CLERK

CLARENCE EDWARD )  
WHITAKER, on behalf of himself )  
and as Administrator of the Estate ) Case No. 7:17-cv-00055  
of Shannon Marie Whitaker, )  
deceased, )  
Plaintiff, )  
v. )  
HYUNDAI MOTOR COMPANY, ) By: Michael F. Urbanski  
et al., ) Chief United States District Judge  
Defendants. )

ORDER

For the reasons stated in the accompanying Memorandum Opinion:

1. Defendants Hyundai Motor Company's ("HMC") and Hyundai Motor America, Inc.'s ("HMA," and collectively with HMC, "Defendants") Motion for Reconsideration of Order Granting Voluntary Dismissal Without Prejudice, ECF No. 100, is **GRANTED**.
2. Plaintiff Clarence Edward Whitaker's Motion for Voluntary Dismissal of Certain Claims ONLY, ECF No. 94, is **GRANTED**, and the following portions of the Complaint, ECF No. 1, are **DISMISSED with prejudice**:
  - a. Counts III, IV, and VI of the Complaint;
  - b. recitations and claims set forth in paragraphs 18 through 22, 24, 26, 36, and 38 through 40 of the Complaint; and

- c. those portions of paragraphs 23, 27, 29, 31, 35, and 44 that referenced the other dismissed portions of the Complaint.
3. Plaintiff's Motion for the Court to Take Judicial Notice of Public Records, ECF No. 80, is **GRANTED**.
4. Defendants' Motion to Exclude Plaintiff's Witnesses, ECF No. 65, is **DENIED**.
5. Plaintiff's Motion to Exclude the Testimony of Defendants' Expert Witness Eddie Ray Cooper, ECF No. 68, is **DENIED**.
6. Plaintiff's Motion to Exclude the Testimony of Defendants' Expert Witness Charles A. Rau, Jr., ECF No. 69, is **DENIED**.
7. Defendants' Motion for Summary Judgment, ECF No. 63, is **DENIED**.

It is **SO ORDERED**.

Entered: 10/09/2018  
*10/ Michael F. Urbanski*  
Michael F. Urbanski  
Chief United States District Judge